

App. No. 10/003,092
Art Unit: 2671

Docket No. 2000-0600D

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

By this amendment, claims 1-15, 20-24, 27, 28 and 30-33 are pending, claims 1, 6, 12, 20, 24, 27, 28 and 33 are amended. Claim 6 was amended only to correct a typographical error. Support for the amendments to claims 1, 12, 20, 24, 27 and 33 is on page 16, paragraph 0055 of the specification. No new matter has been added.

Double Patenting Rejections

On pages 3-21 of the Final Office Action of September 22, 2005, the Examiner provisionally rejected claims 1 and 4 as under the judicially created doctrine of double patenting as allegedly being unpatentable over claim 9 of copending Application No. 10/001,120 in view of "Web-enabled Speech Driven Facial Animation", to Ming Ouhyoung et al. ("Ming"), in view of U.S. Patent No. 5,537,662 to Sato et al. ("Sato"), and further in view of U.S. Patent No. 6,018,774 to Mayle et al. ("Mayle"); provisionally rejected claims 5, 6, 12 and 13 under the judicially created doctrine of double patenting as allegedly being unpatentable over claim 9 of copending Application No. 10/001,120 in view of Ming, Sato and "CharToon 2.0 Manual" to Noot et al. ("Noot"); provisionally rejected claims 10, 11 and 15 under the judicially created doctrine of double patenting as allegedly being unpatentable over claims 16-18 of copending Application No. 10/003,350; provisionally rejected claims 20 and 21 under the judicially created doctrine of double patenting as allegedly being unpatentable over claim 9 of copending Application No. 10/001,120 in view of Mayle; provisionally rejected claims 22-24 under the judicially created doctrine of double patenting as allegedly being unpatentable over claim 9 of copending Application No. 10/001,120 in view of Mayle and Noot; and provisionally rejected claims 27, 28 and 30-32 under the judicially created doctrine of double

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patenting as allegedly being unpatentable over claims 1-8 and 10 of copending Application No. 10/001,120 in view of Noot.

Applicants are filing, concurrently with this amendment, terminal disclaimers with respect to Applications 10/001,120 and 10/003,350. Therefore, Applicants respectfully request that the rejections of claims 1, 4-6, 10-13, 15, 20-24, 27, 28 and 30-32 be withdrawn.

Rejection of Claims 20-24, 27, 28 and 30-32

On page 21 of the Final Office Action, the Examiner rejected claims 20-24, 27, 28 and 30-32 under 35 U.S.C. 103(a) as allegedly being unpatentable over Noot in view of Mayle. Applicants submit that amended claims 20, 24 and 27 obviate the rejection.

Amended independent claim 20 is directed to a method of enabling sender customization of an animated entity for use in delivering a multi-media message. The method includes, among other things, defining, by the sender, a symmetry axis for a face of the entity, such that a rotation of the face is defined in an image plane by computing an angle between image boundaries and an imaginary line defined by a point at a chin, a point at a nose tip, and a point at a top of a head of the face of the entity.

Applicants submit that neither Noot nor Mayle, either separately or in any combination, disclose or suggest the above-mentioned feature required by amended claim 20. Therefore, Applicants submit that amended independent claim 20 and dependent claims 21-23 are patentable over Noot in view of Mayle and respectfully request that the rejection of claims 20-23 be withdrawn.

Amended independent claims 24 and 27 recite a similar feature and are patentable over Noot and Mayle for at least reasons similar to those discussed with respect to claim 20. Therefore, Applicants respectfully request that the rejection of claims 24, 27 and dependent claims 28 and 30-32 be withdrawn.

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Rejection of Claims 1, 2, 4-6, 12 and 13

On page 27 of the Office Action, the Examiner rejected claims 1, 2, 4-6, 12 and 13 under 35 U.S.C. 103(a) as allegedly being unpatentable over Noot, in view of Mayle and further in view of Ming. Applicants submit that amended claims 1 and 12 obviate the rejection. Claim 6 was amended only to correct a typographical error.

Amended independent claim 1 is directed to a method of creating an animated entity for delivering a multi-media message from a sender to a recipient. The method includes, among other things, defining, by the sender, a symmetry axis for a face appearing in a presented image file, such that a rotation of the face is defined in an image plane by computing an angle between image boundaries and an imaginary line defined by a point at a chin, a point at a nose tip, and a point at a top of a head of the face appearing in the presented image file.

Applicants submit that neither Noot nor Mayle disclose or suggest, either separately or in combination, defining, by the sender, a symmetry axis for a face appearing in a presented image file, such that a rotation of the face is defined in an image plane by computing an angle between image boundaries and an imaginary line defined by a point at a chin, a point at a nose tip, and a point at a top of a head of the face appearing in the presented image file, as required by claim 1. For at least this reason, Applicants submit that claim 1 and dependent claims 2 and 4-6 are patentable over Noot and Mayle and respectfully request that the rejection of claims 1, 2 and 4-6 be withdrawn.

Amended independent claim 12 is similar to claim 1 and is patentable over Noot and Mayle for at least reasons similar to those discussed with respect to claim 1. Therefore, Applicants respectfully request that the rejection of independent claim 12 and dependent claim 13 be withdrawn.

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Rejection of Claim 3

On page 32 of the Final Office Action, the Examiner rejected claim 3 under 35 U.S.C. 103(a) as allegedly being unpatentable over Noot, in view of Mayle and Ming and further in view of U.S. Patent No. 5,963,217 to Grayson et al. ("Grayson"). Applicants submit that amended independent claim 1 obviates the rejection.

Claim 1 is patentable over Noot, Mayle and Ming for at least the reasons discussed above. Applicants submit that Grayson fails to satisfy the deficiencies of Noot, Mayle and Ming. Therefore, Applicants respectfully request that the rejection of dependent claim 3 be withdrawn.

Rejection of Claims 7, 8 and 14

On page 33 of the Final Office Action, the Examiner rejected claims 7, 8 and 14 under 35 U.S.C. 103(a) as allegedly being unpatentable over Noot, Mayle, Ming, and further in view of U.S. Patent No. 6,532,011 to Francini et al. ("Francini"). Applicants submit that amended claims 1 and 13 obviate the rejection.

Claim 1 is patentable over Noot, Mayle and Ming for at least the reasons discussed above with respect to claim 1. Applicants submit that Francini fails to satisfy the deficiencies of Noot, Mayle and Ming. Therefore, Applicants respectfully request that the rejection of dependent claims 7 and 8 be withdrawn.

Claim 12 is patentable over Noot, Mayle and Ming for at least the reasons discussed above. Applicants submit that Francini fails to satisfy the deficiencies of Noot, Mayle and Ming. Therefore, Applicants respectfully request that the rejection of dependent claim 14 be withdrawn.

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Rejection of Claim 9

On page 35 of the Final Office Action, the Examiner rejected claim 9 under 35 U.S.C. 103(a) as allegedly being unpatentable over Noot, Mayle, Ming, and further in view of U.S. Patent No. 6,147,692 to Shaw et al. ("Shaw"). Applicants submit that amended claim 1 obviates the rejection.

Claim 1 is patentable over Noot, Mayle and Ming for at least the reasons discussed above. Applicants submit that Shaw fails to satisfy the deficiencies of Noot, Mayle and Ming. Therefore, Applicants respectfully request that the rejection of dependent claim 9 be withdrawn.

Rejection of Claim 10

On page 36 of the Final Office Action, the Examiner rejected claim 10 under 35 U.S.C. 103(a) as allegedly being unpatentable over Noot, in view of Mayle, Sato and Ming and further in view of U.S. Patent No. 4,276,570 to Burson et al. ("Burson"). Applicants submit that amended independent claim 1 obviates the rejection.

Claim 1 is patentable over Noot, Mayle and Ming for at least the reasons discussed above with respect to claim 1. Applicants submit that Sato and Burson, either separately or in combination, fail to satisfy the deficiencies of Noot, Mayle and Ming. Therefore, Applicants respectfully request that the rejection of dependent claim 10 be withdrawn.

Rejection of Claims 11 and 15

On page 38 of the Office Action, the Examiner rejected claims 11 and 15 under 35 U.S.C. 103(a) as allegedly being unpatentable over Noot, in view of Mayle, Ming and Francini and further in view of U.S. Patent No. 5,638,502 to Murata. Applicants submit that amended independent claims 1 and 13 obviate the rejection.

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Claim 1 is patentable over Noot, Mayle and Ming for at least the reasons discussed above with respect to claim 1. Applicants submit that Francini and Sato, either separately or in combination, fail to satisfy the deficiencies of Noot, Mayle and Ming. Therefore, Applicants respectfully request that the rejection of dependent claim 11 be withdrawn.

Claim 12 is patentable over Noot, Mayle and Ming for at least the reasons discussed above. Applicants submit that Francini and Sato, either separately or in combination, fail to satisfy the deficiencies of Noot, Mayle and Ming. Therefore, Applicants respectfully request that the rejection of dependent claim 15 be withdrawn.

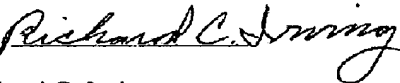
CONCLUSION

Having addressed all rejections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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